

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTIE BOWERS,

Plaintiff,

v.

ROBIN KLETKE and ROBIN COHEN,
husband and wife and the marital
community comprised thereof,

Pro Se Defendants.

CASE NO. C08-1768-RSM

ORDER GRANTING SANCTIONS

This matter comes before the Court upon Defendants' Motion to Compel, Show Cause, and for Sanctions (Dkt. #131). Defendants request that the Court issue an order compelling Mr. Gregory P. Cavagnaro to pay the \$8,000 in sanctions ordered against him in this Court's September 22, 2010 (Dkt. #118). In the event that Mr. Cavagnaro fails to pay, Defendants request that the court schedule a hearing date for Mr. Cavagnaro to show cause why he should not be held in civil contempt for failing to follow the Court's order. Defendants also ask the Court to award costs and reasonable fees associated with this motion and any other sanctions the Court deems appropriate.

Since Defendants' Motion was filed, Mr. Cavagnaro has paid the \$8,000 in sanctions previously ordered by the Court. Dkt. #133, Ex. D. Therefore, the only question that remains

1 for the Court is whether Mr. Cavagnaro should be ordered to pay additional sanctions to
2 reimburse Defendants for the cost and reasonable fees of bringing this motion.

3 Mr. Cavagnaro contends that he did not pay the sanctions within the 90-day time period
4 proscribed by the Court because Defendants had appealed the order (Dkt. #59) in which
5 sanctions were originally awarded. *See* Dkt. #134 at 2. Absent a stay, a party must comply
6 with an order until it is reversed by appeal. *See Maness v. Meyers*, 419 U.S. 449, 458-59 (1975).
7 Mr. Cavagnaro did not seek a stay of the order requiring him to pay sanctions to Defendants.
8 Accordingly, Mr. Cavagnaro's stated reason for refusing to pay Defendants is clearly without
9 merit. Defendants should not have been required to bring the instant motion in order to convince
10 Mr. Cavagnaro to pay the sanctions at issue.

11 Even though Mr. Cavagnaro does not and never has had any basis for failing to timely
12 comply with the Court's order issuing sanctions, Mr. Cavagnaro contends that he should not be
13 required to pay costs and reasonable fees for the cost of Defendants bringing this motion because
14 Defendants failed to comply with the safe harbor provision of Rule 11 prior to bringing the
15 motion. This argument is also without merit for the simple reason that Defendants' Motion was
16 not brought under Rule 11.

17 Defendants' Motion (Dkt. #131) is hereby GRANTED to the extent still applicable. Mr.
18 Cavagnaro shall pay Defendants \$100 within 14 days of this order to reimburse them for the cost
19 of bringing this motion.

20 Dated this 18th day of March 2011.

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23 RICARDO S. MARTINEZ
24 UNITED STATES DISTRICT JUDGE